

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRYAN LONEGAN, et al.,

Plaintiffs,

- v -

DENNIS HASTY, et al.,

Defendants.

**DECISION AND ORDER**

CV-04-2743 (NG)(VVP)

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The plaintiffs' application to compel the Bureau of Prisons ("BOP") to produce various videotapes of meetings between attorneys and their clients at the Metropolitan Detention Center is denied. Although the videotapes are certainly potentially relevant to the claims in this matter, a motion to dismiss the complaint is now pending and the court has thus far permitted discovery only for the purpose of identifying potential defendants. The plaintiffs' argument that the videotapes are needed for that purpose is adequately met by the BOP's assertion that it has provided records which disclose the names of all of the various BOP employees who participated in the videotaping. Thus, an affidavit signed by a BOP person with knowledge of the truth of that assertion will be sufficient to satisfy the court that there is no need for the production of the videotapes at this point. Such an affidavit is to be served and filed, via ECF, within ten days. In addition, the BOP is hereby ordered to maintain all of the videotapes in a secure location to insure that they will be available in the event the claims in the complaint are permitted to proceed. Nothing in this decision is to be considered a ruling on any of the other arguments made in the papers, including those based on Department of Justice regulations and the attorney-client privilege. Those matters will be addressed, if necessary, at a later date.

**SO ORDERED:**

Viktor V. Pohorelsky  
VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
December 19, 2005